

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DEBORA NOVAKOWSKI,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 04-356E
)	
ELAINE CHAO, SECRETARY, AND THE)	JUDGE McLAUGHLIN
UNITED STATES DEPARTMENT)	
OF LABOR,)	
)	ELECTRONICALLY FILED
Defendants.)	

DEFENDANTS' PROPOSED VERDICT FORM

AND NOW, come the Defendants, Elaine Chao, Secretary, and the United States Department of Labor, by their undersigned attorneys, and respectfully submit the following Proposed Verdict Form.

Respectfully submitted,

MARY BETH BUCHANAN
United States Attorney

s/Paul E. Skirtich
PAUL E. SKIRTICH
Assistant U.S. Attorney
Western District of PA
U.S. Post Office & Courthouse
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Pittsburgh, PA 15219
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Part I

Alleged Discrimination

Do you find that Plaintiff has proven by a preponderance of the evidence that her gender was the determinative factor in the decision by the Department of Labor not to select Plaintiff for the Compliance Assistance Specialist ("CAS") position in Erie in May 2001?

YES _____

NO _____

IF YOUR ANSWER TO THE QUESTION IS "NO," ENTER A VERDICT IN FAVOR OF THE DEFENDANT AND AGAINST PLAINTIFF IN PART II, AND SIGN AND DATE THE VERDICT FORM. YOUR JOB IS FINISHED. IF YOUR ANSWER TO THE QUESTION IS "YES," ENTER A VERDICT IN FAVOR OF THE PLAINTIFF AND AGAINST DEFENDANT IN PART II, A.2 AND PROCEED TO PART III.

PART II

Plaintiff's Failure to Promote Claim

A.1 Verdict in favor of Defendant and against Plaintiff _____

A.2 Verdict in favor of Plaintiff and against Defendant _____

PART III

Damages

Failure to Promote Claim

Enter the amount of damages, if any, that you find Plaintiff has proven that she has suffered in connection with her claim that she was not selected for the position of Compliance Assistance Specialist at the Erie OSHA Office as a result of gender discrimination, as follows:

Damages \$ _____

CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of June, 2006, a true and correct copy of the within Defendants' Proposed Verdict Form has been served by electronic filing and/or first-class mail to the following:

John R. Linkosky, Esquire
John Linkosky & Associates
715 Washington Avenue
Carnegie, PA 15106

s/Paul E. Skirtich
PAUL E. SKIRTICH
Assistant U.S. Attorney